

FILED 12/13/10 11:17:15 AM

**IN THE UNITED STATES DISTRICT COURT
FOR OREGON EUGENE DIVISION**

Honorable Ann Aiken

| | | |
|-------------------------|---|---|
| LAWRENCE JAMES SACCATO, | § | |
| | § | CIVIL ACTION NO.10-06244-AA |
| Plaintiff, ProSe' | § | |
| | § | |
| vs. | § | PLAINTIFF'S MOTION TO DENY |
| | § | U.S. BANK NATIONAL ASSOCIATION |
| | § | N.D.'S MOTION TO DISMISS |
| DAVIS LAW FIRM, | § | |
| | § | |
| | § | |
| Defendant | § | |
| | § | (Unlawful Debt Collection |
| U.S. BANK NATIONAL | § | Practices under 15 USC 1692 |
| ASSOCIATION N.D. | § | <i>et. seq.</i> and ORS 646.639 <i>et. seq.</i>) |
| | § | (Unlawful Fair Credit Reporting |
| Co-Defendant | § | under 15 USC §1681, <i>et seq</i>) |
| | § | |
| Does 1 through 10 | § | |

PLAINTIFF LAWRENCE JAMES SACCATO
MOTION IN OPPOSITION TO DEFENDANT U.S. BANK
NATIONAL ASSOCIATION N.D.'S MOTION TO DISMISS

LR 7-1 Certification

The parties have conferred on the subject matter of this motion, despite a good faith effort, have been unable to resolve the dispute.

Motion

Pursuant to Federal Rules of Civil Procedure 12(b) (6), and the jurisprudence construing same, when faced with a Motion to Dismiss under Rule 12(b) (6), the Plaintiff, Lawrence James Saccato moves this Honorable Court to deny Defendant U.S. Bank National Association ("U.S. Bank") motion to dismiss.

Plaintiff, in his original complaint against Defendant U.S. Bank, and in the memorandum in support of this Motion in Opposition of to Defendant's Motion to Dismiss exceeded the required threshold for both stating a claim upon which relief can be granted and having a private cause of action.

Plaintiff also has established that pursuant to (FCRA) 15 U.S.C. 1681s-2(b)(1), it clearly permits consumers to bring private causes of action against furnishers of information to credit reporting agencies who fail to properly investigate disputed credit information.

The issues in this complaint are about the failure of the Defendant, U.S Bank to do a proper investigation into the dispute and the methods that the Defendant reported or did not report in this case into the Plaintiff's credit reports. In addition, U.S. Bank's willful non-compliance and lack of having the proper systems in place to prevent errors are also at issue and are violations of the requirements of the FCRA.

Plaintiff believes he had addressed and opposed each and every argument submitted by Mover defendant. Plaintiff intends to oppose each such argument and request by Mover. None of the claims by U.S. Bank are subject to dismissal and are not properly plead.

Plaintiff respectfully asserts that Defendant, U.S. Bank's motion to dismiss must be denied.

Respectfully submitted this 10th day of December 2010.

LAWRENCE SACCATO

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